

TENTH REGULAR SESSION

Johnstown, NY

October 9, 2012

Roll Call – Quorum Present:

Supervisors: Argotsinger, Born, Bradt, Callery, Capek, DiGiacomo, Fagan, Gendron, Handy, Howard, Kemper, Kinowski, Lauria, MacVean, Ottalagano, Ottuso, Ponticello, Potter, Waldron

TOTAL: Present 19 Absent: 1 (Supervisor Johnson)

Chairman Gendron called the meeting to order at 1:00 p.m. with Supervisor Johnson absent upon roll call. Following the Pledge of Allegiance to the Flag, Chairman Gendron called for a Moment of Silence in honor of Montgomery County Board of Supervisors Chairman Shayne Walters, who passed away unexpectedly on October 8, 2012.

Chairman Gendron then asked if there was anyone present from the public who wished to address the board. There being no one, Chairman Gendron called for review of Communications and Reports.

COMMUNICATIONS

1. Communication from Rockland County Legislature
Subj: Resolution No. 372 of 2012 Urging the Governor of the State of New York and the New York State Assembly to Include Mandate Relief for all Counties in the State of New York if New York State Lawmakers Receive Pay Increases in the Year 2012. (Supervisor Ponticello requested a copy of Communication 1)
2. Communication from Warren County Board of Supervisors
Subj: Resolution No. 510 of 2012 Requesting that the New York State Mandate Relief Council Review Executive Law §§832 and 833, State Finance Law §98-b and County Law Article 18-B Concerning the Funding of Mandated Local Indigent Legal Services and Restrictions on the Manner in Which the Services are Offered. (Supervisor Lauria requested a copy of Communication 2)
3. Communication from Orange County Legislature
Subj: Resolution No. 216 of 2012 Urging the Governor of the State of New York and the New York State Legislature to Restore State Aid to Community Colleges at the Levels Required by New York State Education Law. (Supervisors Born and Lauria Requested a copy of Communication 3)
4. Letter from Darrel Aubertine, Commissioner of Agriculture and Markets, to Jon R. Stead, Administrative Officer/Clerk of the Board, dated 28 September 2012
Subj: Receipt of Resolution No. 274, Modifying Fulton County Agricultural District No. 1 by Including Predominantly Viable Agricultural Land in the District. (Supervisor Lauria requested a copy of Communication 4)
5. Letter from Edward Diana, President of New York State Association of Counties to Michael Gendron, Chairman of the Board, dated 21 September 2012
Subj: Official Resolutions for 2012 Adopted by County Delegates at the New York State Association of Counties Annual Meeting.

LATE COMMUNICATIONS:

1. Communication from Federal Energy Regulatory Commission to Chairman, Fulton County Board of Supervisors, dated September 28, 2012.
Subj: Erie Boulevard Hydropower License approval for the E.J. West Project located on the Sacandaga River in Saratoga County, New York. (Supervisor Lauria requested a copy of Communication L-1)

UPDATES FROM STANDING COMMITTEES

Economic Development and Environment: Chairman Bradt stated that a tour of the C.G. Roxanne Bottling Plant was conducted for Supervisors prior to the last Committee meeting, and it was impressive.

Finance: Chairman Fagan stated that the Board has received the preliminary version of the Budget for 2013. The levy increase is around \$4 million and this is less than in previous years. He also stated that Dr. Swanger is here today to brief the Board on two proposed contracts for Fulton-Montgomery Community College personnel.

Chairman Fagan stated that he attended the NYSAC conference on September 12 and 13. He further explained that he attended several workshops on topics such as taxation and finance and home rule. He further explained that during one of the workshops, the need for legislation to reform pre-school and special education costs was discussed. He also attended a workshop related to amortization for pension coverage.

Chairman Fagan stated that he received a booklet on Reducing Mandated Costs for Counties at the conference. The Rensselaer County Executive passed out a chart showing that state mandates for Rensselaer County budgets have gone up 54% and maybe Budget Director Kuntzsch could research and explain how much Fulton County's budget has gone up for mandated services compared to local services.

REPORTS OF SPECIAL COMMITTEES

Inter-County Legislative Committee of the Adirondacks: Supervisor Kemper advised that the meeting for Inter-County was held at the NYSAC Conference on September 14. She further advised that she went to a workshop where Jerome Hauer, NYS Commissioner of Homeland Security and Emergency Services, spoke. He explained that the State is heading for catastrophic disaster with the State having no plan in place and that he is very upset with the current administration. The next meeting of Inter-County will be held in Clinton County in October.

Region 5 Land Acquisition Advisory Committee: Supervisor Ottuso explained that he received a letter from Frederick Monroe, Executive Director of the Adirondack Park Local Government Review Board, regarding the \$50 million dollars the State is going to spend on purchasing former Finch Pruyn Forest Lands. It was noted that there would be a resolution on this topic today. Chairman of the Board Gendron requested that Supervisor Ottuso provide him with a copy of the letter from Mr. Monroe. Supervisor Ottuso agreed.

Soil and Water Conservation District: Supervisor Ottalagano advised that the projects previously reported on are on-going in the Towns of Oppenheim and Johnstown. He also advised that they received a thank you letter from the Sprite Club for the recent work completed on the Sprite Creek Dam.

CHAIRMAN'S REPORT

Chairman of the Board Gendron advised that several Supervisors attended the NYSAC conference. Chairman Gendron also advised that Supervisor Ponticello has signed up for the Pelletier Institute. He also advised that 14 Supervisors were able to make the tour of the C.G. Roxanne Bottling Plant on September 25, 2012.

Upon a motion by Supervisor DiGiacomo, seconded by Supervisor Kemper and unanimously carried, the Board entered into Executive Session at 1:18 p.m. to discuss collective bargaining.

Upon a motion by Supervisor Fagan, seconded by Supervisor Kemper and unanimously carried, the Board returned to Regular Session at 1:50 p.m.

RESOLUTIONS

Resolution No. 335 (Resolution Authorizing Contract with DM Romeyn Civil Engineering Design, LLC to Conduct Structural Evaluation at the Fort Johnstown Building): Supervisor Callery commented that it was "crazy" to spend money for an evaluation of the building, because the County just went through this for the first Records Storage Room Project. He further commented that the foundation must be sound because it was already evaluated.

Supervisor Argotsinger responded that the cells on the first floor support the second floor and it needs to be evaluated. If a future first floor project is done, it will involve removal of some of the supporting cells.

Resolution No. 337 (Resolution Amending Resolution 231 of 2012 to Remove County Roads Located in the Town of Broadalbin from the 2012-2013 Snow and Ice Contracts): Supervisor Howard advised that he wanted to hear from the town Supervisors that would be affected by this Resolution.

Supervisor DiGiacomo explained that Broadalbin Highway Superintendent Lance Winney sent a letter to County Highway Superintendent Mark Yost stating that he didn't know if he could maintain plowing the county roads this year. Supervisor DiGiacomo further explained that the Town of Broadalbin employees sent a letter saying they can maintain the roads. Supervisor DiGiacomo advised that it is the Town Highway Superintendent's decision whether or not to call in the town employees for plowing, so he understands the County Highway Superintendents' concerns. Supervisor DiGiacomo further advised that it was Mr. Yost's recommendation not to contract with the Town of Broadalbin.

Supervisor Fagan explained that he voted against this and would again vote against it because the Town of Perth is losing almost a mile of its plowing contract and it is easy for Town employees to maintain this road. He further explained that the Town of Perth employees could take more of County Route 107 to help alleviate the County Highway employees plowing, but the County Highway Superintendent said it was not necessary.

Supervisor Lauria commented that it would be a safety factor if the Town Highway Superintendent did not call in employees when the county roads needed plowing.

Supervisor DiGiacomo explained that if Mr. Yost was not happy with the way the Town plowed the roads this winter, he could take the roads back at that time, per the contract.

Supervisor Ponticello commented that it is a savings of \$30,000.00 to \$40,000.00 to the County and this is the way to go.

Supervisor Kinowski commented that Mr. Yost is comfortable not entering into a contract with the Town of Broadalbin and that this makes good sense for the County.

Supervisor Ottuso said he understands that Supervisor DiGiacomo would be losing \$75,000.00 from his Town Budget if this resolutions passes.

Supervisor Argotsinger commented that if it costs \$5,000.00 to plow the roads all winter long, it should also cost the Town \$5,000.00 to plow the roads. The Town could eliminate an expense equal to the revenue.

Supervisor Kemper commented that it was her understanding this could be re-visited next year. Supervisor Kemper contended that sometimes the roads are plowed quicker by towns than when the County plows them.

Resolution No. 341 (Resolution Authorizing the Fulton County Demolition Team to Demolish a Building Owned by Fulton County Industrial Development Agency): Supervisor DiGiacomo asked for a copy of the Resolution establishing Operation Green Scene in order to better understand this IDA project. Mr. Stead explained that this really wouldn't fall under Operation Green Scene guidelines. He further explained that he could provide a copy of Resolution 49 of 2001 to Supervisor DiGiacomo, which established guidelines for inter-municipal demolition projects by the Demolition Team. Supervisor MacVean and Supervisor Ponticello also wanted a copy of Resolution 49 of 2001.

Resolution No. 342 (Resolution Authorizing Advertisement for Bids for Certain Surplus Equipment): Supervisor Callery asked if the Director of Weights and Measures could be given the 2002 Silverado pick-up listed on the Resolution to replace the Weights and Measures truck that broke down. Mr. Stead explained that the 2002 Silverado is the Weights & Measures truck that broke down. Mr. Stead explained that the Solid Waste Director has let the Director of Weights and Measures borrow a vehicle until a proper replacement can be purchased. Supervisor Callery further asked if the request for a Weights & Measures pick-up truck could be removed from the 2013 Budget request. Mr. Stead stated that the loaned truck was a government

surplus purchase and he would not recommend deleting the Weights and Measures pick-up truck out of the 2013 Capital Plan.

Resolution No. 343 (Resolution Opposing \$50 Million Expenditure of State Funds to Purchase the Former Finch Pruyn Forest Lands) Supervisor Callery commented that the State cannot make its tax payments now. “How can the State purchase land when they have provided no mandate relief and have a 2 percent tax cap?” He further commented that “this is criminal”.

Supervisor Kemper commented that it was her understanding that the contract to purchase this land has already been signed. Supervisor Howard commented that this is the biggest block of working forest land left in New York State.

Supervisor Ottuso advised that he had spoken with Frederick Monroe regarding this and Mr. Monroe explained that the State had \$13 million in an account for this purchase and would raise the rest of the money through taxes.

Resolution No. 344 (Resolution Opposing Regulatory Expansion of the Federal Clean Water Act): Supervisor Howard commented that the provisions in the Clean Water Act are a dangerous piece of legislation for private property owners. Supervisor Fagan commented that this is being done without proper legislation through bureaucratic regulations.

Resolution No. 356 (Resolution Approving Collective Bargaining Agreement Between Fulton-Montgomery Community College, Fulton County, Montgomery County and FMCC Educational Support Personnel Unit): Mr. Stead advised that this agreement is still pending before Montgomery County Board of Supervisors and the agreement will be released once they approve it.

Resolution No. 359 (Resolution Authorizing the Sale of a Certain Tax Forclosed Property to the Town of Johnstown): Supervisor Lauria wanted to know what the land is going to be used for.

Supervisor MacVean replied possibly for a septic system to help out the Stewarts Store on East Fulton Street or possibly another “Mom or Pop” store in that area if needed. Supervisor Lauria asked where the lots were located. Ms. MacVean responded Myrtle Avenue and Marvin Avenue. The lots are very close to the former Loblaw’s grocery store. She further explained that the land is landlocked and too small to build on. Chairman of the Board Gendron advised that the lots are on the west side of the Berkshire Fire Department.

A motion was offered by Supervisor Fagan, seconded by Supervisor Ottalagano and unanimously carried, to waive the Rules of Order to take action on Late Resolution 362.

Chairman Gendron recessed the meeting at 2:32 p.m. and called the meeting back to order at 2:45 p.m.

(Supervisor Capek left the meeting at 2:45 p.m.)

Upon a motion by Supervisor Bradt, seconded by Supervisor Lauria and unanimously carried, the Board entered into Executive Session at 2:45 p.m. to discuss employment history of a contractor.

(Supervisor Howard left the meeting at 4:25 p.m.)

Upon a motion by Supervisor Waldron, seconded by Supervisor Ottalagano and unanimously carried, the Board returned to Regular Session at 4:32 p.m.

Upon a motion by Supervisor Lauria, seconded by Supervisor Waldron and unanimously carried, the meeting adjourned at 4:33 p.m.

Certified by:

*Jon R. Stead, Administrative Officer/Date
Clerk of the Board*

Resolution No. 335

Supervisors ARGOTSINGER AND FAGAN offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING CONTRACT WITH DM ROMEYN CIVIL
ENGINEERING DESIGN, LLC TO CONDUCT
STRUCTURAL EVALUATION OF THE
FORT JOHNSTOWN BUILDING**

WHEREAS, the 2012 Capital Plan included a Records Storage Room Project; and

WHEREAS, the project costs for the second floor renovation at the Fort Johnstown Building came in lower than expected; and

WHEREAS, there is balance of approximately \$30,000.00 remaining from said Records Storage Room Project on the second floor of the Fort Johnstown Building upon its completion; and

WHEREAS, the Planning Director and Committees on Buildings and Grounds/Highway and Finance have proposed consideration of a future project to convert a portion of the first floor of the Fort Johnstown Building into additional records storage space; and

WHEREAS, a structural evaluation of the first floor of the Fort Johnstown Building by an engineer is necessary before proceeding with any future project; and

WHEREAS, based upon a Request for Proposals conducted by the Planning Director, the Committees on Buildings and Grounds/Highway and Finance, recommend contracting with DM Romeyn Civil Engineering Design, LLC for said work; now, therefore be it

RESOLVED, That the Chairman of the Board be and hereby is authorized to sign a contract with DM Romeyn Civil Engineering Design, LLC, of Gloversville, NY to provide a structural engineering evaluation at the Fort Johnstown Building, in an amount not to exceed \$2,600.00; and, be it further

RESOLVED, That said contract is subject to the approval of the County Attorney; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the County Treasurer, Planning Director, DM Romeyn Civil Engineering Design LLC, All Engineering firms, Budget Director/County Auditor, Administrative Officer/Clerk of the Board.

Seconded by Supervisor KINOWSKI and adopted by the following vote:

Total: Ayes: 461 (15) Nays: 84 (4) (Supervisors Callery, Lauria, Ottuso and Potter)
Absent: 6 (1) Supervisor Johnson

Resolution No. 336

Supervisors ARGOTSINGER AND FAGAN offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING THE CHAIRMAN OF THE BOARD TO
REQUEST PERMISSION FROM NYSDOT TO DISPOSE
OF 2001 MCI COMMUTER BUS

WHEREAS, in 2001, Fulton County received a New York State Department of Transportation (NYSDOT) grant to purchase a MCI Commuter Coach Bus to use on the County-sponsored Commuter Bus Run operated by I. Persch; and

WHEREAS, I. Persch paid the grant's qualifying local share resulting in a lien on the title of said bus in the amount of its original investment in 2001; and

WHEREAS, I. Persch has sent a letter to the County requesting that the County dispose of the bus by transferring title from Fulton County to I. Persch in accordance with NYSDOT rules; and

WHEREAS, according to NYSDOT disposition standards, said Commuter Coach has exceeded its useful life of 500,000 miles by about 250,000 miles; and

WHEREAS, after review of the bus and the needs of the County-sponsored Commuter Bus Run, the Planning Director and the Committees on Buildings and Grounds/Highway and Finance, recommend requesting NYSDOT approval to dispose of said 2001 MCI Commuter Coach; now, therefore be it

RESOLVED, That the Chairman of the Board request permission from the NYSDOT to dispose of a County-owned 2001 MCI Commuter Coach; and, be it further

RESOLVED, That the Planning Director is authorized to obtain an appraisal of the value of said vehicle, contingent upon there being no cost to the County of Fulton; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Planning Director, I. Persch Transit, NYSDOT, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor PONTICELLO and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Johnson)

Resolution No. 337

Supervisors ARGOTSINGER AND KINOWSKI offered the following Resolution and moved its adoption:

RESOLUTON AMENDING RESOLUTION 231 OF 2012 TO REMOVE
COUNTY ROADS LOCATED IN THE TOWN OF BROADALBIN
FROM THE 2012-2013 SNOW AND ICE CONTROL AGREEMENTS

WHEREAS, Resolution 231 of 2012 authorized agreements for Snow and Ice Control on Certain Designated Roads for the 2012-2013 winter season; and

WHEREAS, the Superintendent of Highways and Facilities received a letter from the Town of Broadalbin Highway Superintendent expressing his concerns about the Town Highway Department's ability to properly maintain plowing and winter maintenance on county roads; and

WHEREAS, the Superintendent of Highways and Facilities, and the Committees on Buildings and Grounds/Highway and Finance recommend that County roads within the Town of Broadalbin be plowed by the County Highway and Facilities Department during 2012-2013; and

WHEREAS, to accomplish said plowing efficiently, the Superintendent of Highways and Facilities has prepared a plan to re-align County Department plow routes that is estimated to save the County approximately \$30,000.00 to \$40,000.00 per year; now, therefore be it

RESOLVED, That Resolution 231 of 2012 be and hereby is amended to reflect revised contracts as follows:

| <u>Town</u> | <u>Original Mileage</u> | <u>Revised Mileage</u> |
|-------------|-----------------------------|----------------------------|
| Broadalbin | 14.43 | 0 |
| Perth | 3.95 | 3.03 |

and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Superintendent of Highways and Facilities, Town of Broadalbin, Town of Perth, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor HANDY and adopted by the following vote:

Total: Ayes: 456 (17) Nays: 89 (2) (Supervisors DiGiacomo and Fagan)
Absent: 6 (1) Supervisor Johnson

Resolution No. 338

Supervisor ARGOTSINGER offered the following Resolution and moved its adoption:

RESOLUTION EXCHANGING OWNERSHIP OF PORTIONS OF CERTAIN ROADS LOCATED IN THE TOWN OF EPHRATAH

WHEREAS, Section of 345-a of the Highway Law states that the abandonment or transfer of any state highway to a county, town, city or village shall be a transfer of all right, title and interests of the State of New York to and in such highway to such county, town, city, or village unless expressly provided to the contrary; and

WHEREAS, Section 341 of the Highway Law states that the state highway system may be modified by abandonments, realignments, and additions as provided therein, and thereby authorize the Commissioner of Transportation to take-over jurisdiction for state highway purposes a portion of a Town of Ephratah road and to transfer to the County of Fulton a portion of road for future maintenance as part of the county highway system in Fulton County; now, therefore be it

RESOLVED, That all State right, title and interest on the 0.14 Mile Section of State Route 920B, from the County Route 140 and Church Hill Road Intersection to the start of the overlap section of State Routes 10 and 67, Town of Ephratah, Fulton County, including any and all bridges or culverts located thereon or immediately adjacent thereto, as it has been maintained by the State of New York as part of the State Highway System, is hereby abandoned and all right, title interest and maintenance obligation of the State therein is hereby transferred to the County of Fulton; and, be it further

RESOLVED, That all County right, title and interest on the 0.30 Mile Section of County Route 118, from State Route 29 to State Routes 10, Town of Ephratah, Fulton County, including any and all bridges or culverts located thereon or immediately adjacent thereto, as it has been maintained by the County of Fulton as part of the County Highway System, is hereby abandoned and all right, title interest and maintenance obligation of the County therein is hereby transferred to the Town of Ephratah; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Town of Ephratah Clerk, County Clerk, Superintendent of Highways and Facilities, NYSDOT Regional Director, Office of the Department of State, Office of the State Comptroller, and Administrative Officer/Clerk of the Board.

Seconded by Supervisor LAURIA and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Johnson)

Resolution No. 339

Supervisor ARGOTSINGER offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING AGREEMENT FOR SALE OF FUEL
TO SAMMONSVILLE VOLUNTEER FIRE DEPARTMENT
AT THE FULTON COUNTY FUEL DEPOT**

WHEREAS, the County of Fulton operates an automated fuel depot at its County Services Complex; and

WHEREAS, the Board of Supervisors has determined that it is in the best interest of all taxpayers in the County to encourage shared services that benefit other municipalities and political subdivisions; and

WHEREAS, the Sammons ville Volunteer Fire Department has requested to purchase fuel from the Fulton County Fuel Depot; now, therefore be it,

RESOLVED, That upon the recommendation of the Committee on Buildings and Grounds/ Highway, the Chairman of the Board be and hereby is authorized to sign an agreement for the sale of fuel at the County fuel depot to the Sammons ville Volunteer Fire Department at County cost, plus a 10 cent per gallon surcharge; and, be it further

RESOLVED, That a charge of \$5.50, or the actual cost of, whichever is greater, be levied for each fuel system “user key” required by Sammons ville Volunteer Fire Department; and, be it further

RESOLVED, That this Resolution and Agreement are contingent upon approval of the County Attorney; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Superintendent of Highways and Facilities, Sammons ville Volunteer Fire Department, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor MACVEAN and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Johnson)

Resolution No. 340

Supervisor BRADT offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING DISTRIBUTION OF A REQUEST FOR
PROPOSALS FOR WATER QUALITY TESTING SERVICES AT THE FULTON
COUNTY LANDFILL**

WHEREAS, Resolution 406 of 2009 authorized a three-year contract for testing of wells at the Fulton County Sanitary Landfill three times per year, per NYSDEC regulations, and said contract expires on December 31, 2012; now, therefore be it

RESOLVED, That upon the recommendation of the Committee on Economic Development and Environment, the Purchasing Agent be and hereby is authorized and directed to distribute a Request for Proposals for water quality testing of 21 wells located at the Fulton County Landfill and other testing services, for a contract period of 2013 through the year 2015; and, be it further

RESOLVED, That such proposals must be addressed to Jon R. Stead, Purchasing Agent, Supervisors' Chambers, Room 205, County Building, Johnstown, NY 12095, no later than 2:00 p.m., Wednesday, October 24, 2012, at which time and place they will be publicly opened and read; and, be it further

RESOLVED, That the Board of Supervisors reserves the right to reject any or all proposals; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Solid Waste Director, Budget Director/County Auditor and Purchasing Agent.

Seconded by Supervisor OTTALAGANO and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Johnson)

Resolution No. 341

Supervisor BRADT offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING THE FULTON COUNTY DEMOLITION TEAM TO DEMOLISH A BUILDING OWNED BY THE FULTON COUNTY INDUSTRIAL DEVELOPMENT AGENCY

WHEREAS, Resolution No. 234 of 2000 supported the concept of a "Municipal Demolition Team" in Fulton County, comprised of County manpower and equipment and manpower and equipment from municipal forces, when feasible; and

WHEREAS, Resolution No. 49 of 2001 formally established a Municipal Demolition Team, with basic operating guidelines identified in the "Municipal Demolition Team Proposal", dated February 12, 2001; and

WHEREAS, the Fulton County Industrial Development Agency has requested that the County's Municipal Demolition Team demolish a two-story house with garage owned by the Fulton County IDA, located at the west side of New York State Route 30A in the City of Johnstown; now, therefore be it

RESOLVED, That the Solid Waste Director is hereby authorized to mobilize the County Demolition Team to raze a structure owned by the Fulton County IDA, located at the west side of New York State Route 30A in the City of Johnstown (parcel I.D. 174.18-1-19); and, be it further

RESOLVED, That all environmental concerns, approvals, disposal fee, and/or permits required shall be the responsibility of the Fulton County IDA; and, be it further

RESOLVED, That said project shall be completed in the most efficient and cost-effective manner possible, in accordance with the Municipal Demolition Team Proposal approved by the Board of Supervisors on February 12, 2001; and, be it further

RESOLVED, That the Solid Waste Director do each and every other thing necessary to further the purport of this Resolution; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Solid Waste Director, Fulton County IDA, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor WALDRON and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Johnson)

Resolution No. 342

Supervisor BRADT offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING ADVERTISEMENT FOR BIDS FOR CERTAIN SURPLUS EQUIPMENT

WHEREAS, the Director of Solid Waste recommends disposal of certain surplus equipment that the Department has no further use for; and

WHEREAS, the Committee on Economic Development and Environment recommends offering said surplus equipment for sale to the general public through a bidding process; now, therefore be it

RESOLVED, That upon the recommendation of the Solid Waste Director and Committee on Economic Development and Environment, the Purchasing Agent be and hereby is authorized and directed to advertise for sealed bids for the sale of surplus equipment from Solid Waste and Weights and Measures Departments as follows:

- 1994 Chevy S-10 Pickup
- 2003 Chevy Astro Van LT
- 1999 Ford Taurus LX
- 1988 Chevy 1500 tool truck w/cap
- 1994 GMC 1500 Pickup Truck
- 2002 Chevy Silverado 1500
- 1973 3-phase gasoline Generator
- Tow-behind flood lighting unit
- Spin Pak hand model, deep cell battery powered Sweeper Vac

(and according to further specifications which may be obtained at the Office of the Purchasing Agent, Room 205, County Office Building, Johnstown, NY 12095, during usual business hours); and, be it further

RESOLVED, That said bids must be addressed to Jon R. Stead, Purchasing Agent, Room 205, County Office Building, Johnstown, NY, 12095, and received by said Purchasing Agent no later than 2:00 p.m., Wednesday, November 7, 2012, at which time they will be publicly opened and read; and, be it further

Resolution No. 342 (Continued)

RESOLVED, That the Board of Supervisors reserves the right to reject any or all bids; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Solid Waste Director, Budget Director/County Auditor and Administrative Officer/Purchasing Agent.

Seconded by Supervisor OTTUSO and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Johnson)

Resolution No. 343

Supervisor BRADT offered the following Resolution and moved its adoption:

RESOLUTION OPPOSING \$50 MILLION EXPENDITURE OF STATE FUNDS TO PURCHASE THE FORMER FINCH PRUYN FOREST LANDS

WHEREAS, the State of New York is in the process of purchasing tens of thousands of acres of productive working forestland in the heart of the Adirondacks to add these lands to the State Forest Preserve and permanently remove them from wood and job production; and

WHEREAS, if the purchase is completed, State taxpayers will be responsible to pay maintenance costs and property taxes on the acquired lands at a time when New York's economy is suffering and the rural communities of the Adirondacks are struggling to survive; and

WHEREAS, for many years, said lands have been leased for recreational purposes by sportsmen's clubs from across the northeast who spend large amounts of time and money in local communities; and

WHEREAS, as a result of the State's purchase of these lands, an estimated three hundred (300) jobs will be lost; and

WHEREAS, huge masses of land in the Adirondack region have already been set aside in State-owned wilderness preserve; and

WHEREAS, the monies of taxpayers within the state could be put to much better use than buying additional land to be placed in public reserve; now, therefore be it

RESOLVED, That the Fulton County Board of Supervisors hereby opposes the \$50 million dollar expenditure of New York State funds to purchase former Finch Pruyn forest lands; and, be it further

RESOLVED, That the Fulton County Board of Supervisors hereby requests that Governor Cuomo order a study of the economic and social impacts of State land acquisitions in the Adirondacks before any additional purchases of State lands are authorized; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, All Other Counties of the Adirondacks, Governor Cuomo, Senator Farley, Assemblyman Butler, Adirondack Park Agency, DEC Commissioner Martens, DEC Region 5 Director Stegemann, Inter-County Legislative Committee of the Adirondacks, Adirondack Local Government Review Board, Adirondack Association of Towns and Villages, and Administrative Officer/Clerk of the Board.

Seconded by Supervisor HOWARD and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Johnson)

Resolution No. 344

Supervisor BRADT offered the following Resolution and moved its adoption:

RESOLUTION OPPOSING REGULATORY EXPANSION OF THE FEDERAL CLEAN WATER ACT

WHEREAS, the United States Environmental Protection Agency (EPA) and the Army Corps of Engineers are attempting to expand the authority granted to them under the 1972 Clean Water Act by skirting the federal rule-making process; and

WHEREAS, the 1972 Clean Water Act limits federal jurisdiction to “navigable waters” of the United States and recent Supreme Court decisions affirmed that the EPA jurisdiction over “navigable waters” is limited and thus does not extend to all waters; and

WHEREAS, the EPA and the Army Corps of Engineers are seeking to expand their authority beyond what was granted to them by Congress in the Clean Water Act in conflict with Supreme Court decisions; and

WHEREAS, the EPA and the Army Corps of Engineers have developed draft guidance titled “Identifying Waters Protected by the Clean Water Act” to “clarify” the EPA’s and Corp’s understanding and definition of the Clean Water Act; and

WHEREAS, the expanded purview in this draft guidance creates uncertainty and confusion, and would make a significant number of public works activities and transportation infrastructure subject to the Clean Water Act and its costly and time-consuming permitting and regulatory protocols; and

WHEREAS, the Board of Supervisors opposes expansion of said regulatory agencies’ authority and jurisdiction without the proper exercise of legislative action by Congress to change the scope of the Clean Water Act; now, therefore be it

RESOLVED, That Fulton County Board of Supervisors urges the EPA and Army Corps of Engineers to withdraw the draft Clean Water Act guidance immediately; and, be it further

RESOLVED, That the Board of Supervisors urges its Congressional and State representatives to intercede in this matter to prevent the unwarranted and unauthorized expansion of Clean Water Act authority by agency regulation; and, be it further

Resolution No. 344 (Continued)

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, President Obama, Senator Schumer, Senator Gillibrand, U.S. Representative Owens, U.S. Representative Tonko, Governor Cuomo, Senator Farley, Assemblyman Butler, EPA Administrator Lisa Jackson, Fulton County Farm Bureau, Inter-County Legislative Committee of the Adirondacks, and Administrative Officer/Clerk of the Board.

Seconded by Supervisor FAGAN and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Johnson)

Resolution No. 345

Supervisors DIGIACOMO AND FAGAN offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING PAYMENT TO THE NYS DEPARTMENT OF HEALTH FOR RETROACTIVE RATE ADJUSTMENT (FORMER MENTAL HEALTH CLINIC)

WHEREAS, the Department of Health has reviewed November and December 2011 Medicaid claims for the former Fulton County Mental Health Clinic and has determined that there is a retroactive rate adjustment for such claims totaling \$5,384.30 and payment must be made to the NYS Department of Health no later than November 12, 2012; and

WHEREAS, in anticipation of the audit by the Department of Health, the Director of Community Services arranged for some monies previously received to be reserved in a deferred revenue account for refund, if necessary; now, therefore be it

RESOLVED, that the County Treasurer be and hereby is directed to issue a check for repayment to the New York State Department of Health in the amount of \$5,384.30 to satisfy said retroactive rate adjustment for the former Fulton County Mental Health Clinic for November and December of 2011; and, be it further

RESOLVED, That the 2012 Adopted Budget be and hereby is amended, as follows:

Revenue Account:

| | |
|------------------------------------------------------|------------|
| Increase A-083-1620.000 Mental Health Clinic Charges | |
| (A-082-0691.445 Deferred Revenues-Mental Health) | \$5,384.30 |

Appropriation Account:

| | |
|----------------------------------------------------|------------|
| Increase A-445-4311.401 Mental Health-Overpayments | \$5,384.30 |
|----------------------------------------------------|------------|

and, be it further

RESOLVED, That the Director of Community Services and Treasurer do each and every other thing necessary to further the purport of this Resolution; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Director of Community Services, NYS Department of Health, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor BORN and adopted by the following vote:

Total: Ayes: 524 (18) Nays: 21 (1) (Supervisor Callery) Absent: 6 (1) Supervisor Johnson

Resolution No. 346

Supervisors DIGIACOMO AND FAGAN offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING ACCEPTANCE OF 2012-13 EMERGENCY
PREPAREDNESS GRANT FUNDS FROM THE NYS DEPARTMENT OF HEALTH
(PUBLIC HEALTH DEPARTMENT)

WHEREAS, the Public Health Director has received notification that the County has been awarded an Emergency Preparedness Grant in the amount of \$53,500.00 for emergency preparedness planning for the period July 1, 2012 through June 30, 2013; now, therefore be it

RESOLVED, That the Chairman of the Board be and hereby is authorized to sign an agreement between the Public Health Department and the New York State Department of Health to accept the Emergency Preparedness grant, in an amount of \$53,500.00, for the period beginning July 1, 2012 through June 30, 2013; and, be it further

RESOLVED, That said agreement is subject to the approval of the County Attorney; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Public Health Director, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor PONTICELLO and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Johnson)

Resolution No. 347

Supervisor DIGIACOMO offered the following Resolution and moved its adoption:

**RESOLUTION ACCEPTING 2012-13 LEAD GRANT FUNDS FROM
THE NYS DEPARTMENT OF HEALTH**

WHEREAS, the NYS Department of Health has notified the Public Health Director that the County has been awarded a Lead Grant, in the amount of \$47,403.00; and

WHEREAS, said grant will assist in offsetting Lead Clinic expenditures and follow-up for children with elevated lead levels; now, therefore be it

RESOLVED, That the Chairman of the Board be and hereby is authorized to sign an agreement between the Public Health Department and NYS Department of Health to accept Lead Grant funds, in an amount of \$47,403.00, for the period beginning October 1, 2012 through September 30, 2013; and, be it further

RESOLVED, That said agreement is subject to the approval of the County Attorney; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Public Health Director, NYS Department of Health, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor KEMPER and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Johnson)

Resolution No. 348

Supervisors WALDRON AND FAGAN offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING APPLICATION AND ACCEPTANCE OF 2012
HAZARDOUS MATERIALS GRANT FROM THE NYS DIVISION OF HOMELAND AND
SECURITY AND EMERGENCY SERVICES (CIVIL DEFENSE/FIRE COORDINATOR)

WHEREAS, Fulton County has been notified that it has been allocated \$34,000.00 in grant funds from the 2012 Hazardous Materials Grant Program; now, therefore be it

RESOLVED, That the Chairman of the Board be and hereby is authorized to sign a grant agreement with the NYS Division of Homeland Security and Emergency Services for 2012 Hazardous Materials Grant funds, in a total amount of \$34,000.00, and, be it further

RESOLVED, That the Civil Defense/Fire Coordinator prepare a plan for the use of said grant funds to remediate hazardous materials through a regional approach for presentation and approval by resolution of the Board of Supervisors; and, be it further

RESOLVED, That the Civil Defense Director/Fire Coordinator and County Treasurer do each and every other thing necessary to further the purport of this Resolution; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Civil Defense Director, Budget Director/County Auditor, Administrative Officer/Clerk of the Board and to each and every other person, institution or agency who will further the purport of this Resolution.

Seconded by Supervisor LAURIA and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Johnson)

Resolution No. 349

Supervisor WALDRON offered the following Resolution and moved its adoption:

**RESOLUTION EXTENDING CONTRACT WITH UNITED UNIFORMS, INC. FOR
UNIFORMS FOR USE IN THE SHERIFF'S DEPARTMENT**

WHEREAS, Resolution 429 of 2010 awarded a bid to United Uniforms for the purchase of uniforms for use in the Sheriff's Department; and

WHEREAS, the bid specifications specified a two-year contract term with a one-year renewal option; now, therefore be it

RESOLVED, That upon the recommendation of the Sheriff and the Public Safety Committee, the Chairman of the Board be and hereby is authorized to sign an amendment to extend the contract with United Uniforms, Inc., of, Amherst, NY, for uniforms and accessories for use in the Sheriff's Department at unit prices specified in the original bid, effective January 1 through December 31, 2013, and all other terms and conditions in said contract shall remain in full force and effect; and, be it further

RESOLVED, That said contract amendment is contingent upon approval by the County Attorney; and, be it further

RESOLVED, That said cost be a charge against applicable Sheriff's Department accounts; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Sheriff, United Uniforms, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor POTTER and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Johnson)

Resolution No. 350

Supervisor WALDRON offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING CONTRACT WITH DENTRUST DENTAL SERVICES FOR CORRECTIONAL FACILITY INMATES (2013)

WHEREAS, Resolution 249 of 2012 authorized advertising for proposals for inmate dental services in the Fulton County Correctional Facility and one (1) proposal was received; now, therefore be it

RESOLVED, That the proposal as submitted by Dentrust Dental New York, PC, of Warrington, PA, for dental services in the Correctional Facility be and hereby is accepted, as reviewed and recommended by the Sheriff and Purchasing Agent; they offering the best proposal in accordance with Specification 2012-34-01, dated July 17, 2012; and, be it further

RESOLVED, That the Chairman of the Board be and hereby is authorized to sign a contract between the Sheriff's Department and Dentrust Dental, of Pipersville, PA, for dental services in the Correctional Facility, at fee schedule rates as placed on file in the Sheriff's Department and Board of Supervisors Office, effective January 1, 2013 through December 31, 2013; with the option to renew for up to two (2) additional one (1) year periods upon mutual consent of both parties and under the same terms and conditions; and, be it further

RESOLVED, That said contract is subject to the approval of the County Attorney; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Sheriff, Correctional Facility, Dentrust Dental, Budget Director/County Auditor and Administrative Officer/ Purchasing Agent.

Seconded by Supervisor BORN and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Johnson)

Resolution No. 351

Supervisor WALDRON offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING DONATION OF SURPLUS OBSOLETE RADIO EQUIPMENT (SHERIFF)

WHEREAS, the Sheriff's Department has two (2) antique Motorola base station radios and cabinets that have been stored in the basement radio room for years; and

WHEREAS, the Sheriff has requested approval to donate one (1) base station radio to the Tryon Amateur Radio Club, who has expressed an interest in using some components for HAM radio emergency communications; and

WHEREAS, the Sheriff has requested approval to donate one (1) base station to the Fulton County Museum to be placed in its public safety display area; now, therefore be it

RESOLVED, That upon the recommendation of the Committee on Public Safety and the Sheriff, the Board of Supervisors hereby declares said Motorola base stations and cabinets surplus for County purposes and donates same to the Tryon Amateur Radio Club and Fulton County Museum respectively; and, be it further

RESOLVED, That the Sheriff do each and every other thing necessary to further the purport of this Resolution; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Sheriff, Tryon Amateur Radio Club, Fulton County Museum, Budget Director/County Auditor and Administrative Officer/ Clerk of the Board.

Seconded by Supervisor OTTALAGANO and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Johnson)

Resolution No. 352

Supervisor FAGAN offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING A CONTRACT WITH NORTHEASTERN PETROLEUM TECHNOLOGIES FOR A FUEL TANK MONITORING SYSTEM AT COUNTY COMPLEX I.

WHEREAS, Resolution 271 of 2012 amended the 2012 Capital Plan to include a fuel Tank Monitoring System Replacement Project at County Complex I at a project cost of \$26,000.00; and

WHEREAS, the Superintendent of Highways and Facilities has received three quotes for this project; and

WHEREAS, the Superintendent of Highways and Facilities recommends awarding the project to Northeastern Petroleum Technologies of Schenectady, NY at a cost not to exceed \$18,427.00; now, therefore be it

RESOLVED, That the Chairman of the Board be and hereby is authorized to sign a contract with Northeastern Petroleum Technologies, of Schenectady, NY, for the purchase and installation of a Fuel Tank Monitoring system at County Complex I, at a cost not to exceed \$18,427.00; said contract subject to the approval of the County Attorney; and, be it further

RESOLVED, that an additional \$1,000.00 be appropriated for electrical conduit, excavation and pavement repairs costs to be completed by County forces; and, be it further

RESOLVED, That the 2012 Adopted Budget be and hereby is amended as follows:

Revenue:

| | |
|------------------------------------------------|-------------|
| Increase DM-081-0511.000 Appropriated Reserves | \$19,427.00 |
|------------------------------------------------|-------------|

Appropriation:

| | |
|---------------------------------------------|-------------|
| Increase DM-825-5130.200 RD Machinery-Equip | \$19,427.00 |
|---------------------------------------------|-------------|

and, be it further

RESOLVED, That the County Treasurer be and hereby is authorized to make the following transfer:

From: DM-082-0883.000 Reserve-Road Mchy-Fuel System Repair
To: DM-082-0909.000 Fund Bal-Rd Machinery
Sum: \$19,427.00

and, be it further

Resolution No. 352 (continued)

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Superintendent of Highways and Facilities, Northeastern Petroleum Technologies, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor DIGIACOMO and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Johnson)

Resolution No. 353

Supervisor FAGAN offered the following Resolution and moved its adoption:

**RESOLUTION RESCINDING RESOLUTION 252 OF 2012 WHICH TRANSFERRED TITLE
TO PARCELS 63.2-1-6 AND 63.2-1-8 IN THE TOWN OF STRATFORD
TO DONNA BOYER**

WHEREAS, Resolution 252 of 2012 authorized transferring title to Parcels 63.2-1-6 and 63.2-1-8 in the Town of Stratford to Donna Boyer to remedy an inaccurate alignment of property boundaries; and

WHEREAS, a new survey completed by a licensed surveyor has revealed that said transfer of title to the aforementioned parcels was not necessary; and

WHEREAS, said new survey has been accepted by the Real Property Tax Services Agency as true and accurate; now, therefore be it

RESOLVED, That Resolution 252 of 2012 entitled “Resolution Transferring Title to Parcels 63.2-1-6 and 63.2-1-8 in the Town of Stratford to Donna Boyer” be and hereby is rescinded; and, be it further

RESOLVED, That the County Treasurer do each and every other thing necessary to further the purport of this Resolution; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor BRADT and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Johnson)

Resolution No. 354

Supervisor FAGAN offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING WRITE-OFF OF TAXES ON A DUPLICATE PARCEL IN
THE TOWN OF EPHRATAH**

WHEREAS, it was discovered that Parcels 143.-1-16.5 and 143.-1-17.1 assessed in the name of owner Carrie Olsen, in the Town of Ephratah are duplicate parcels; and

WHEREAS, this error occurred when the two parcels were combined but parcel 143.-1-17.1 was not deleted from the assessment roll; and

WHEREAS; the County Treasurer is requesting to write off taxes for tax years 2011 and 2012; now, therefore be it

RESOLVED, That upon the recommendation of the County Treasurer and Committee on Finance, all 2011 and 2012 on Parcel 143.-1-17.1 in the Town of Ephratah, be and hereby are written off, as follows;

SBL# 143.-1-17.100
2011 \$ 88.47 School
2011 49.65 Town
2011 273.47 County

2012 \$ 90.91 School
2012 51.26 Town
2012 69.45 County

and, be it further

RESOLVED, That the County Treasurer be and hereby is authorized to charge Oppenheim-Ephratah School District and Town of Ephratah for their portions of taxes waived; and, be it further

RESOLVED, That the County Treasurer and Real Property Tax Services Agency Director do each and every other thing necessary to further the purport of this Resolution; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Real Property Tax Services Agency Director, Oppenheim-Ephratah Central School District, Town of Ephratah, Town of Ephratah Assessor, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor KEMPER and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Johnson)

Resolution No. 355

Supervisor FAGAN offered the following Resolution and moved its adoption:

**RESOLUTION APPROVING COLLECTIVE BARGAINING AGREEMENT BETWEEN
FULTON-MONTGOMERY COMMUNITY COLLEGE, FULTON COUNTY,
MONTGOMERY COUNTY AND FMCC BUILDINGS AND GROUNDS UNIT**

RESOLVED, That the Fulton County Board of Supervisors, by this Resolution, hereby approves the official Memorandum of Agreement, as attached hereto, between Fulton-Montgomery Community College, Fulton County, Montgomery County and FMCC Buildings and Grounds Unit, CSEA, Inc., AFSCME, Local 1000, AFL-CIO, for the period beginning from and as of September 1, 2012 through August 31, 2016; and, be it further

RESOLVED, That approval of this Resolution is contingent upon adoption of a similar resolution by the Montgomery County Board of Supervisors; and, be it further

RESOLVED, That the Board of Trustees and FMCC Administration do each and every other thing necessary to carry out the purport of this Resolution; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, FMCC, Montgomery County Board of Supervisors, Montgomery County Treasurer, Roemer, Wallens, Gold & Mineaux, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor WALDRON and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Johnson)

MEMORANDUM OF AGREEMENT

***By and Between Fulton-Montgomery Community College and
the Buildings and Grounds Unit of
the CSEA, Inc., AFSCME, LOCAL 1000, AFL-CIO***

- I. Subject to ratification by the members of the Buildings and Grounds Unit of the Civil Service Employees Association, the Board of Trustees of Fulton-Montgomery Community College, the Legislatures of Fulton County and the Legislatures of Montgomery County, the representatives of the respective parties agree to a successor agreement effective September 1, 2012 through August 31, 2016 as follows.
- II. The term of this agreement shall be four (4) years, effective September 1, 2012 through August 31, 2016.
- III. Substitute the following Articles or parts thereof for the comparable Articles or parts thereof contained in the previous collective bargaining agreement between the parties effective September 1, 2012 through August 31, 2012 or make the indicated changes to other identified documents.
 1. Delete first three paragraphs of **Article IV A** and substitute the following therefor:
 - A. Effective 9/1/12 as of the first pay period after the College begins to realize the full savings from the change to the NY 44 Trust by the bargaining unit members the base annual salary, (not including longevity) of each returning bargaining unit member from 2011/2012 shall be increased by one and one-half percent (1.5%). Provided, however, that should the Bargaining Unit Members ratify the Memorandum of Agreement for the successor Agreement on or before August 16, 2012 the one and one-half percent (1.5%) increase shall be retroactive to September 1, 2012.

Effective 9/1/13 the base annual salary (not including longevity) for each returning bargaining unit member from 2012/2013 shall be increased by one and one-half percent (1.5%).

Effective 9/1/14 the base annual salary (not including longevity) for returning bargaining unit members from 2013/2014 shall be increased by one and one-half percent (1.5%).

Effective 9/1/15 the base annual salary (not including longevity) for returning bargaining unit members from 2014/2015 shall be increased by one and one-half percent (1.5%).

B. The salary schedules shall be increased by one and one-half percent (1.5%) for each year of the Agreement.

2. Delete “All full time employees” through “exception of” **Article V (A)** and substitute the following therefor:

All full time employees shall be eligible for health insurance coverage for themselves and their dependents pursuant to the then applicable terms and conditions of the plan or program provided by the NY 44 Trust without cost of premium to the employees with the exception of:

3. Add new paragraph at the end of **Article V(A)** to read as follows:

Any and all cost or expense arising out of changes, modifications, deletions, substitutions and/or additions to coverage, co-pays and/or any other terms and conditions of the NY 44 Trust, plan or program shall be borne by the bargaining unit members without any recourse against the College.

4. Delete **Article VI (B)(3)** and substitute the following therefor:

Certification may be evaluated in conjunction with the circumstances of the absence to determine the legitimate use of leave. Where an employee has demonstrated a misuse of sick leave accruals during the fiscal year, the employee shall be counseled by management and shall be notified in writing that the employee may be required to provide a doctor's certificate for each future absence for a period of no more than six months from the date of written notification. At the conclusion of the six month period attendance will be reevaluated and if the employee has demonstrated proper use of accruals, the College shall notify the employee in writing that misuse has ceased. If misuse is deemed to have continued, the requirement to bring in doctor certification may be renewed for another six month period and will be reevaluated. Misuses of sick leave may be subject to discipline.

5. Delete the first paragraph of **Article VII (B)(1)** and substitute the following therefor:

(1) When the College is closed for a snow emergency, all unit members shall report for their regularly scheduled shift.

6. Delete the first sentence of **Article VII (B)(2)** and insert the following therefor:

(2) Employees who actually work during the snow emergency shall receive two times their regular rate of pay for those hours worked during such officially closed hours.

7. In **Article XVI** – make the following changes:

Delete “September 1, 2010” and substitute therefor “September 1, 2012”.

Delete “August 31, 2012” and substitute therefor “August 31, 2016”.

- IV. All other items in negotiations not referenced above have been withdrawn by both parties.
- V. Except as provided above, or for the purpose of achieving factual accuracy in the contract document, the September 1, 2010 through August 31, 2012 Agreement of the parties shall, in all particulars, be ratified, affirmed and continued without change.

Resolution No. 356

Supervisor FAGAN offered the following Resolution and moved its adoption:

**RESOLUTION APPROVING COLLECTIVE BARGAINING AGREEMENT BETWEEN
FULTON-MONTGOMERY COMMUNITY COLLEGE, FULTON COUNTY,
MONTGOMERY COUNTY AND FMCC EDUCATIONAL SUPPORT PERSONNEL UNIT**

RESOLVED, That the Fulton County Board of Supervisors, by this Resolution, hereby approves the official Memorandum of Agreement, as attached hereto, between Fulton-Montgomery Community College, Fulton County, Montgomery County and FMCC Educational Support Personnel for the period beginning from and as of September 1, 2012 through August 31, 2016; and, be it further

RESOLVED, That approval of this Resolution is contingent upon adoption of a similar resolution by the Montgomery County Board of Supervisors; and, be it further

RESOLVED, That the Board of Trustees and FMCC Administration do each and every other thing necessary to carry out the purport of this Resolution; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, FMCC, Montgomery County Board of Supervisors, Montgomery County Treasurer, Martin, Shudt, Wallace, DeLorenzo & Johnson, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor WALDRON and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Johnson)

MEMORANDUM OF AGREEMENT

***By and Between Fulton-Montgomery Community College and
the
Fulton-Montgomery Community College Educational Support Personnel
FMCC-ESP***

- I. Subject to ratification by the members of the Fulton-Montgomery Community College Educational Support Personnel, the Board of Trustees of Fulton-Montgomery Community College, the Legislature of Fulton County and the Legislature of Montgomery County, the representatives of the respective parties agree to a successor agreement effective September 1, 2012 through August 31, 2016 as follows.
- II. The term of this agreement shall be for four (4) years, effective September 1, 2012 through August 31, 2016.
- III. Substitute the following for the provisions contained in the previous collective bargaining agreement between the parties effective September 1, 2010 through August 31, 2012 or make the indicated changes to other identified documents.
 1. A four (4) year agreement effective September 1, 2012 through 8/31/2016.
 2. Enter into a separate Memorandum of Agreement suspending **Article 6(D)**.
 3. Add the following language to the end of **Article 7(D)(1) p.4.** to read as follows:

Sick days may be used for the purpose of attending to disability or illness within the immediate family as defined in **Article 7(J)(3)**.
 4. Modify **Article (7)(K)(2)(a) p.6** as follows:

Change three (3) weeks to fifteen (15) days. Provide that all full time employees with ten (10) years of continuous service shall receive twenty (20) days of vacation.

Delete sentence concerning full-time employees with fifteen (15) years or more continuous service.
 5. Modify **Schedule A(E)** so as to provide:
 - A. Increase longevity increment for full time employees commencing the sixth year by \$50 to \$150.
 - B. Add new provision providing for a longevity increment of \$200 to full time employees commencing the sixteenth year of his/her employment.

C. Increase longevity increment to full time employees commencing his/her twenty-first year by \$100 to \$250. Provides that longevity is not added to the base and should not be retroactive or cumulative.

6. Subject to the provisions of this paragraph, provide for 1.5% increase each year of the agreement to base salary not including longevity. Provided, however, that the percentage increase shall not be effective until the first pay period after the College begins to realize the full savings from the change to the NY 44 Trust.

Provide that and all eligible full time employees will participate solely in the NY 44 Trust at the benefit level and pursuant to the terms and conditions of that Trust and this Agreement. Provide further that the employee shall be subject to the changes, modifications and amendments as may be made from time to time to the Trust.

Provide further than any increase in co-payments, coverage deductibles and the like shall be borne by the employee.

- IV. All other items in negotiations not referenced above have been withdrawn by both parties.
- V. Except as provided above, or for the purpose of achieving factual accuracy in the contract document, the September 1, 2010 through August 31, 2012 Agreement of the parties shall, in all particulars, be ratified, affirmed and continued without change.

Resolution No. 357

Supervisor FAGAN offered the following Resolution and moved its adoption:

RESOLUTION SETTING DATE OF PUBLIC HEARING ON
PROPOSED 2013-2015 CAPITAL PLAN

RESOLVED, That the Board of Supervisors for the County of Fulton will meet at the Board of Supervisors' Chambers in the County Office Building, Johnstown, NY, on Tuesday, November 13, 2012, at 1:30 p.m. for the purpose of holding a public hearing on the proposed 2013 - 2015 Capital Plan for Fulton County; and, be it further

RESOLVED, That the Clerk of the Board of Supervisors give notice of said public hearing on said proposed 2013 - 2015 Capital Plan for Fulton County and that said notice shall be published once in the official newspaper of this County, at least five (5) days prior to the date of said public hearing; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, All Affected Departments, Planning Director, Budget Director/County Auditor, Administrative Officer/Clerk of the Board and to each and every other person, institution or agency which will further the purport of this Resolution.

Seconded by Supervisor HOWARD and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Johnson)

| DEPARTMENT / PROJECT | 2013 | 2014 | 2015 | 3 YEAR TOTAL |
|----------------------------------------------------|---------------------|---------------------|---------------------|----------------------|
| Highways & Facilities A245 | | | | |
| Complex II Roof Project | \$ 70,000 | | | |
| DSS Roof Project | | \$ 135,000 | | |
| Total | \$ 70,000 | \$ 135,000 | \$ - | |
| 3 Year Total | | | | \$ 205,000 |
| Information Svcs/Printing A275 | | | | |
| County PC Upgrade Plan | \$ 20,545 | \$ 21,000 | \$ 25,000 | |
| County Server Upgrade Plan | \$ 13,672 | \$ 12,000 | \$ 10,000 | |
| Software Replacement | \$ 150,000 | \$ 150,000 | | |
| Total | \$ 184,217 | \$ 183,000 | \$ 35,000 | |
| 3 Year Total | | | | \$ 402,217 |
| FMCC A295 | | | | |
| Class Bldg Renovation - Design | \$ - | \$ 300,000 | | |
| Class Bldg Renovation - Construction | | | \$ 2,725,000 | |
| Library Bldg Renovation Design | \$ - | | \$ 375,000 | |
| Library Bldg Renovation - Construction | | | | |
| Total | \$ - | \$ 300,000 | \$ 3,100,000 | |
| 3 Year Total | | | | \$ 3,400,000 |
| Sheriff A305/A345 | | | | |
| Patrol Car, 2, 3, 3 | \$ 64,000 | \$ 100,950 | \$ 105,950 | |
| Total | \$ 64,000 | \$ 100,950 | \$ 105,950 | |
| 3 Year Total | | | | \$ 270,900 |
| Airport A465 | | | | |
| Automated Weather Observing System | \$ 200,000 | \$ - | | |
| Total | \$ 200,000 | \$ - | \$ - | |
| 3 Year Total | | | | \$ 200,000 |
| Weights & Measures A605 | | | | |
| Pickup Truck w/cap | \$ 18,000 | \$ - | | |
| Total | \$ 18,000 | \$ - | \$ - | |
| 3 Year Total | | | | \$ 18,000 |
| Planning- A705 | | | | |
| Economic Development | | | | |
| Tryon Technology Park and Incubator Center Project | \$ 2,000,000 | | | |
| Fonda Connector Design Study | \$ 500,000 | | | |
| Total | \$ 2,500,000 | \$ - | \$ - | |
| 3 Year Total | | | | \$ 2,500,000 |
| General Fund Total | \$ 3,018,217 | \$ 718,950 | \$ 3,240,950 | |
| General Fund 3 Year Total | | | | \$ 6,996,117 |
| Highways & Facilities D825/DM825 | | | | |
| Roads | | | | |
| Pave CR 110- Broadalbin/Northampton | \$ 2,225,000 | | | |
| Pave CR 112 - Bleecker | \$ 540,000 | | | |
| Pave CR 107 - Perth/Broadalbin | \$ 251,000 | | | |
| Pave CR 107 and proposed CR 117 - Johnstown | \$ 280,000 | | | |
| Pave CR 126 - Broadalbin | \$ - | \$ 389,000 | | |
| Pave CR 108 - Oppenheim | \$ - | \$ 126,000 | | |
| Pave CR 126 - Broadalbin/Perth | | \$ 349,000 | | |
| Pave CR 152 - Northampton | | \$ 225,000 | | |
| Pave CR 155 - Mayfield | | \$ 86,000 | | |
| Pave CR 122- Johnstown | | \$ 183,000 | | |
| Pave CR 153- Johnstown | | \$ 38,500 | | |
| Pave CR 121- Johnstown | | \$ 57,000 | | |
| Pave CR 118 - Ephratah | | \$ 32,500 | | |
| Pave CR 103- Johnstown | | \$ 56,000 | | |
| Pave CR 119 - Ephratah | | \$ 215,000 | | |
| Pave CR 105- Johnstown | | \$ 29,000 | | |
| Pave CR 107 - Johnstown | | | \$ 89,000 | |
| Pave CR 112, Bleecker | | | \$ 296,000 | |
| Pave CR 142, Johnstown | | | \$ 294,500 | |
| Pave CR 106 - Mayfield/Perth | | | \$ 299,000 | |
| Pave CR 113 - Northampton | | | \$ 159,000 | |
| Pave CR 146, Johnstown | | | \$ 193,500 | |
| Subtotal | \$ 3,296,000 | \$ 1,786,000 | \$ 1,331,000 | |
| Equipment | | | | |
| Tandem Dump Truck w/ Plow | \$ 245,000 | | | |
| Tank Monitoring/Fuel Dispensing System | \$ - | | | |
| Dual Drum Vibratory Blacktop Roller | | \$ 40,000 | | |
| Pickup Truck | | | 22,000 | |
| Dump Truck | | | 35,000 | |
| Subtotal | \$ 245,000 | \$ 40,000 | \$ 57,000 | |
| Highway & Facilities Total | \$ 3,541,000 | \$ 1,826,000 | \$ 1,388,000 | |
| 3 Year Total | | | | \$ 6,755,000 |
| Solid Waste EW865 | | | | |
| Landfill Compactor | \$ 550,000 | | | |
| Gas Well Work | \$ 40,000 | | | |
| Skid Steer | \$ 30,000 | | | |
| Tractor Truck | | \$ 115,000 | | |
| Roll Off Trailer | | \$ 70,000 | | |
| Landfill Scale | | \$ 165,000 | | |
| Off Road Truck | | | \$ 300,000 | |
| Recycling Truck | | | 100,000 | |
| Wheel Wash System | | | \$ 45,000 | |
| Solid Waste Total | \$ 620,000 | \$ 350,000 | \$ 445,000 | |
| 3 Year Total | | | | \$ 1,415,000 |
| GRAND TOTAL: | \$ 7,197,217 | \$ 2,894,950 | \$ 5,073,950 | \$ 15,166,117 |

Resolution No. 358

Supervisor FAGAN offered the following Resolution and moved its adoption:

RESOLUTION ACCEPTING FINAL SETTLEMENT IN MATTER OF “AWP PHARMACY LITIGATION VERSUS SANDOZ”

WHEREAS, Resolution 533 of 2004 authorized a legal services agreement with Kirby, McInerney & Squire to conduct a joint lawsuit coordinated with the NYS Association of Counties and other counties to recover Medicaid overcharges from pharmaceutical companies; and

WHEREAS, Kirby McInerney (KI) submitted an installment check for the County's net share of the Sandoz AWP settlements in the amount of \$21,602.13; now, therefore be it

RESOLVED, That the Board of Supervisors hereby accepts final settlement in the matter of AWP Pharmacy Litigation versus Sandoz, in a total amount of \$21,602.13; and, be it further

RESOLVED, That in accordance with said legal services agreement, the Treasurer be and hereby is authorized to sign Form RF-17 for each Settlement to the State of New York requesting reimbursement for administration costs associated with these settlements; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, County Attorney, Budget Director/County Auditor, Administrative Officer/Clerk of the Board, and to each and every other person, institution or agency who will further the purport of this Resolution.

Seconded by Supervisor BORN and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Johnson)

Resolution No. 359

Supervisor FAGAN offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING THE SALE OF A CERTAIN TAX FORCLOSED PROPERTY TO THE TOWN OF JOHNSTOWN

WHEREAS, the County has taken title to Parcel 149.8-15-31 due to non-payment of taxes; and

WHEREAS, the County Treasurer has attempted to sell said parcel at public auction with no success; and

WHEREAS, the County has received a letter from Nancy MacVean, Supervisor, Town of Johnstown, requesting that the Town of Johnstown be allowed to purchase said parcel for Town purposes; and

WHEREAS, the Committee on Finance has reviewed this request and recommends that the property be transferred to the Town of Johnstown contingent upon the Town paying \$50.00 plus all recording and filing fees to obtain title; now, therefore be it

RESOLVED, That the County Treasurer is authorized to record the appropriate deed for transfer of parcel 149.8-15-31 in the Town of Johnstown to the Town of Johnstown after receipt of payment from the Town of Johnstown in the amount of \$50.00 plus any recording and filing fees; as well as do each and every other thing necessary to further the purport of this Resolution; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, County Attorney, Town of Johnstown, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor DIGIACOMO and adopted by the following vote:

Total: Ayes: 478 (18) Nays: 0 Abstentions: 67 (1) Supervisor MacVean
Absent: 6 (1) Supervisor Johnson

Resolution No. 360

Supervisor FAGAN offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING DISPOSAL OF CERTAIN SURPLUS EQUIPMENT

WHEREAS, the Purchasing Agent recommends disposal of broken equipment in certain departments; now, therefore be it

RESOLVED, That the Purchasing Agent be and hereby is authorized to dispose of the following County surplus equipment, in accordance with the Fulton County Purchasing and Audit Guidelines:

Information Services:

Dell Dimension 3000 (0007346) (Purchased 7/11/05)

Dell Dimension 3000 (0007371) (Purchased 7/11/05)

Dell Dimension 3000 (0007404) (Purchased 7/11/05)

Dell Optiplex 745 (0007530) (Purchased 10/2/07)

Community Services:

Dell Computer (0005468) (Purchased 12/22/01)

Dell Dimension 4300 (0005926) (Purchased 11/19/01)

Dell Latitude C810 (0005929) (Purchased 11/19/01)

Dell Latitude C810 (0005930) (Purchased 11/19/01)

Dell Computer (0006913) (Purchased 2/10/06)

Solid Waste Department:

Hand Tools, Impact Wrench $\frac{3}{4}$ (0006603) (9/27/04)

Trailer, Roll-Off 1994 (0003598) (5/23/97)

Motorola Radio 2-Way w/antenna (0003976) (2/27/04)

Jack, Air Axle 22/35 ton (0006510) (9/12/94)

and, be it further

RESOLVED, That the Superintendent of Highways and Facilities, Solid Waste Director and Purchasing Agent be and hereby are directed to arrange for the disposal of the listed surplus as scrap and/or refuse, to be coordinated with the Solid Waste Department's current bulky metals contract, as necessary; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Superintendent of Highways and Facilities, Solid Waste Director, Information Services Director, Director of Community Services, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor WALDRON and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Johnson)

Resolution No. 361

Supervisor FAGAN offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING CERTAIN TRANSFERS AND BUDGET AMENDMENTS

RESOLVED, That the County Treasurer be and hereby is directed to make the following transfers:

From: S-085-1720.418 Work Comp-Medical Pmts
To: S-085-1710.414 Work Comp-Legal/Medical Services
Sum: \$12,000.00

| | | |
|-----------------------------------------------|------------|-------------|
| From: A-345-3150.466 Jail-Foodstuff | \$6,000.00 | |
| A-345-3150.468 Jail-Dental | 8,000.00 | |
| A-345-3170.400 Penitentiary-Contract Expense | 6,000.00 | |
| To: A-345-3150.411 Jail-Hospital/Doctor Bills | | \$20,000.00 |

| | | |
|--------------------------------------------------------|-----------------|-------------|
| From: A-405-4070.410 Public Health-TB Care & Treatment | \$3,000.00 | |
| A-405-4010.462 Public Health-Clinic Supplies | 1,000.00 | |
| A-405-4010.453 Public Health-Office Supplies | <u>1,000.00</u> | |
| | \$5,000.00 | |
| To: A-405-4042.400 Public Health-Rabies Control | | \$ 5,000.00 |

and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Worker's Compensation, Correctional Facility, Public Health Director, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor BORN and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Johnson)

Resolution No. 362

Supervisor FAGAN offered the following Resolution and moved its adoption:

**RESOLUTION REVISING SALARY OF TEMPORARY
PART-TIME INFORMATION SERVICES/PRINTING
DIRECTOR POSITION**

WHEREAS, Resolution 204 of 2012 created a temporary part-time Information Services/Printing Director position to oversee the Department until a new permanent full-time Director is recruited and hired; and

WHEREAS, said Resolution appointed retired Information Services/Printing Director Anthony Basile to the temporary position to promote an orderly transition at a salary of \$503.07 per week; and

WHEREAS, due to the extended period of the temporary assignment, the Director has requested that the part-time salary be revised; now, therefore be it

RESOLVED, That the salary of the part-time Information Services/Printing Director be revised to \$600.00 per week, effective retroactive to August 20, 2012 and continuing until such time as a new Information Services/Printing Director is hired and trained; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Personnel Director, Information Services/Printing Director, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor OTTALAGANO and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Johnson)